

RECORD OF PROCEEDINGS
**OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

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The City Council of the City of Gardner, Kansas met in regular session on May 18, 2020, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Rich Melton, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Business & Economic Development Director Larry Powell; Police Chief James Belcher; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Finance Director Matthew Wolff; Parks and Recreation Director Jason Bruce; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the attached sign-in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Shute at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Proclaim May 17-23, 2020 as “Public Works Week” in the City of Gardner

Mayor Shute read into record a proclamation recognizing May 17-23, 2020 as “Public Works Week” in the City of Gardner, Kansas.

2. 2021-2022 Budget Presentation

Finance Director Matthew Wolff stated that it is an important part of the budgeting process to review the financial health of the city. The general fund is expected to have a projected \$1.2 million dollar revenue shortfall from the impact of COVID-19. General fund revenue sources impacted include city sales tax, Gardner’s portion of the county sales tax, Parks and Recreation programming revenues, Municipal Court fines and fees. Sales tax data is not available until June. Staff worked with neighboring jurisdictions to estimate the impact on revenues, and took a conservative approach to the budget.

The city wants to maintain a target General Fund balance of 25%. Finance staff strive to avoid an increase in the mill levy while preparing for a 2020 revenue shortfall of \$1.2 million. 2021 revenues are projected to be similar to 2019 actual revenues, less than originally forecast. Other issues and challenges include a fleet of aging vehicles and equipment, community growth and staffing needs, increased operational costs associated with the new Justice Center, and special assessments moved from Bond and Interest Fund. To address the 2020 revenue shortfall, staff cut \$1.4 million from the General Fund Budget. This was accomplished by eliminating 4 police vehicle replacements for 2020, closing the Gardner Aquatic Center for 2020, a partial hiring freeze, and other departmental cuts. Mayor Shute asked if staff plans to use open positions in other departments and repurpose them. Director Wolff stated that the city does not have many vacant positions currently, but the partial hiring freeze means they will intentionally delay filling some positions. Councilmember Gregorcyk asked for clarification that they say ‘eliminate’, but they mean not backfill them. Director Wolff confirmed. To address the budget issues and challenges for 2021 and 2022, staff reduced police vehicle replacements from 5 to 4 for the next two years. 25 fleet vehicles qualify for replacement in 2020 in the General Fund; only the 8 police vehicles for the two years are included in the budget. There were 15.5 new positions requested, and none of them are recommended for approval. There are no merit increases budgeted in 2021; there is a 3% merit pool in 2022. They moved 0.536 mills from Bond and Interest Fund to General Fund to offset Special Assessments. They continued budget cuts to departmental budgets in 2021 and 2022 to offset unavoidable increases in operational costs. In summary, staff was able to keep the mill levy flat. The 2020 revenue shortfall of \$1.2 million was offset by budget cuts of \$1.4 million. It is a conservative budgeting approach, but they can make adjustments when new data becomes available. The silver lining is that development projects are moving as scheduled. They realized they were facing financial difficulty and wanted to get ahead of that. That’s why they asked departments for a round of budget cuts.

Councilmember Baldwin liked the proactive approach with directors and City Administrator. They solved the problem and it was done conservatively. Councilmember Roberts agreed. They had to do something drastic, but this is a

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good plan. Councilmember Winters asked what is consensus or thought on retail sales. As businesses open, there will still be a lag. Director Wolff noted that no jurisdiction has anything to go on. Fast food restaurants seem to be doing well. Transient gest tax revenues will lag.

Mayor Shute said this is a conservative estimate. They are not looking at any uptick in retail sales in new development. Director Wolff said that is correct, they do not typically budget for retail sales from new development as a conservative approach to budgeting. Mayor Shute said those developments that will allow an increase will stay on track. Infrastructure pieces are all meant to bring that retail online as soon as possible.

Councilmember Melton asked if the July 4th event is canceled? Director Bruce said staff has not made a final determination. They are working with their outside groups, talent, vendors. Director Wolff said they were working on an assumption, but no decision has been made yet.

Councilmember Gregorcyk appreciated the proactive approach. Regarding fleet, is that just police cars or fleet in general? Director Wolff said it is both. Over the last few years, there have been requests filled for police and utility. However, they haven't addressed Public Works or Parks, and they will have to be addressed at some point. Gregorcyk asked Chief Belcher if he is set with fleet. Belcher has a fleet of 20, and they were lucky to get vehicles when others weren't getting them. He understand these are difficult times, and staff will work around. Director Bruce said for the upcoming summer season, Parks is set. Director Kramer said there are always vehicle needs in Public Works. There are trucks and equipment that don't rate well on VERP, and some more than 10 years old. They will do what is needed to get by within the budget, and look for ways to get vehicles replaced in the future. The dump truck last year was a big hit to the VERP and the budget. Staff will work on maintaining vehicles, and look for opportunities to replace as they can. Gregorcyk noted the best part of this plan was not raising taxes. They are not penalizing the community. They will live within the budget and make do with what they have.

Councilmember Melton asked Chief Belcher where his fleet is on VERP scores. Chief Belcher said of the 20, 13 are in yellow or red. In 2021, this will go to 14. Melton said they will need put those back on priority when they have the budget. Councilmember Winters asked if there is a lease program for police cars. Councilmember Melton said no. City Administrator Pruetting said it was a payment program and not a traditional lease. Belcher said they put 40-50,000 miles on them in year 1, and that's with fleet rotation. Director Wolff said after the first 3 years they are replaced; the old vehicles move to other staff vehicles. Wolff said they might look at leasing for other departments. Melton said police fleet was finally caught up and in a good position, and wants to make sure they don't fall back to where they were with years of neglect. Councilmember Gregorcyk asked of the 13, how many are currently red? Belcher said three of those red are assigned to patrol. A new police vehicle costs an average of \$40-45,000. Four of them cost \$190,000 last year. Pruetting said there was a delay in the 2019 cars. They just arrived due to lag in production at Ford. They can skip a year without putting the fleet in a bad spot. Melton said the cars are better than what they had when he came onto the council. Councilmember Baldwin noted the VERP score sets priority. What about having tiers? Pruetting said when a car is replaced on patrol; it's passed on to SRO or detective. Baldwin said one may have a higher VERP score, but may not as important. Director Wolff mentioned there are two different VERP rating systems; there is one for patrol vehicles and one for staff vehicles. The patrol vehicle ratings have higher modifiers, which result in higher scores.

PUBLIC COMMENTS

CONSENT AGENDA

- 1. Standing approval of the minutes as written for the regular meeting on May 4, 2020.**
- 2. Standing approval of City expenditures prepared May 1, 2020 in the amount of \$245,314.05; and May 8, 2020 in the amount of \$301,478.81 and \$49,473.00.**
- 3 Consider approving an Airport Planning Agreement between the Kansas Department of Transportation and the City of Gardner**

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4. Consider approving an Airport Design and Planning Agreement between the Kansas Department of Transportation and the City of Gardner

5. Consider accepting a Cares Act Airport Grant Agreement between the FAA and the City of Gardner

Councilmember Gregorcyk made a motion to approve Consent Agenda.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

1. Consider accepting the dedication of right-of-way and easements on the final plat for QuikTrip Store No. 0294 located at the southwest corner of Garner Road and 188th Street

Councilmember Baldwin made a motion to approve Planning & Zoning Consent Agenda.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

COMMITTEE RECOMMENDATIONS

1. Consider adopting an ordinance approving the rezoning (Z-20-06) of approximately 14 acres from RP-2 District to RP-3 District and associated preliminary development plan (PDP-20-02) for Prairiebrooke Villas located north of the intersection of Pratt Street and 174th Street, east of Kill Creek Road

Business & Economic Development Director Larry Powell said the application has been before the Planning Commission. The applicant is here if anyone has questions. After review of the application, the Planning Commission recommends the Governing Body approve the applications subject to conditions listed in the action report. Staff found that this rezoning request is compatible with the context of the area, addresses changing housing needs and demand, and is compatible with housing goals of the Comprehensive Plan. The deviation requests on the preliminary development plan that were recommended for approval by the Planning Commission generally accommodate the site constraints and the strict limits for affordability imposed on the project by the funding programs that are being leveraged to provide workforce housing. Director Powell noted these are standard deviations. At the April 28, 2020 Planning Commission meeting, the Commission held a public hearing regarding the rezoning application. One person spoke in opposition to the project. The Planning Commission recommended approval of the rezoning and preliminary development plan by a unanimous vote of 7-0.

Councilmember Gregorcyk read through the packet. He noted driveway, threshold widths. Is that a concern? Director Powell said building plans haven't been finalized, but access areas will be in conformance.

City Attorney Ryan Denk noted that this is a rezoning application. If anyone has had any ex parte contact, it's appropriate to disclose that at this time. Mayor Shute polled the governing body; no one had ex parte contacts on this zoning.

Councilmember Gregorcyk made a motion to accept the recommendation of the Planning Commission and adopt an ordinance changing the zoning classifications or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2664.

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Gregorcyk:	Yes
Melton:	Yes
Roberts:	Yes
Winters:	Yes
Baldwin:	Yes
Shute:	Yes

NEW BUSINESS

COUNCIL UPDATES

Director Bruce said parks sent out information about summer sports programs. They have been in several meetings over the last several weeks. Staff plan to roll out a program at some point this summer. Registration information will come out this week. They will refund anyone who signed up for the previous program and will have special pricing for the new program.

Director Kramer gave a shout-out to the Public Works staff. Street maintenance and vehicle maintenance has been moving full steam ahead. Project inspectors are in the field every day working with contractors, and keeping projects moving. Pavement Management Program is starting up. Crews are milling on Warren St. and prepping for asphalt. This year, they are small asphalt projects and chip seal projects. Tuscan Farms has begun. Mayor Shute said they are working hard out there. Kramer is excited about two airport grants approved from KDOT, and a third CARES grant. The airport board was very excited about the planning and development aspect. Shute noted they are glad to secure funding.

Director Garcia said the Hillsdale treatment plant expansion is coming along. He will bring a brief presentation at the next meeting.

Director Powell has received several calls about fireworks tents allowing for sale. Powell has been telling callers there has been no changes made to date. They are calling because they are ordering their inventory now. Councilmember Gregorcyk asked what their cut-off date is. Powell said application deadline is June 15, but he doesn't know when they need to order their stock. Mayor Shute said there are no issues. Powell said there is a short run down for the Price Chopper opening, and they should be on schedule for the first week of June. He appreciates the action on QT tonight.

Director Bruce shared the good news that last week, the City of Gardner received grant funding for the Quail Meadows trail. Thanks to Jen Jordan, Grants Coordinator, for working on that funding for the past three years. Mayor Shute said that Jen Jordan is unsung hero of the city staff. She has procured a lot of grant funding for the city over the years.

City Administrator Pruetting spoke on the emails that council has been getting regarding the lake. He called the water commissioner regarding non-compliance. That is because the city no longer has a meter at the lake. The city no longer uses it as a water source. The water master plan goes out to 2040, but with the Hillsdale plant expansion, the city won't need to use Gardner Lake even beyond that time. Regarding dredging, the only lakes of Gardner's size only do so for the water use. The Gardner Lake dam is classified as a high hazard dam. Hazard classifications do not indicate the condition of the dam. There is no threat of failure. The spillway is in disrepair, but the condition doesn't threaten or mitigate the dam or riprap. There is no functional need to replace the spillway. It is the governing body's decision in prioritizing projects. There has been discussions regarding funding; staff looked into grant funding. The city's general fund has to have capacity for matching funds. Residents of Gardner would take on full responsibility. Projects that could be funded are on the table. Councilmember Winters asked what the cost of dredging is. Pruetting said it's about \$1.2 million. Silting of lakes is a problem across the country. Pomona Lake has lost 30% of water use. Mayor Shute said sediment taken from the lake also has to be tested. Councilmember Baldwin asked if the city has no need to reclaim water supply, would that hinder the chance of getting grants. Pruetting said only some of the grants are for lakes used as a water source. Councilmember Gregorcyk asked if the Grants Writer could focus on non-silt grants. Pruetting confirmed. Shute said they are looking at every possible option.

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Pruetting stated that Finance Director Wolff and his staff did a great job on the budget. All the directors have been outstanding in this process; he asked them to all cut 10% from their budget. Everyone did a great job finding cuts. They are working on estimates from the county, but no one knows how much, or how quickly revenues will bounce back. This is causing them to rethink how to plan for emergencies. Mayor Shute said every jurisdiction is dealing with the same thing, but because Gardner took a proactive approach, they are ahead of the curve.

Pruetting noted the plexi-glass partitions for front counters should be in tomorrow and they plan to open the front counters to the public on Tuesday, May 26.

Councilmember Gregorcyk followed up on email he sent with a photo of disintegrated curbing. They need temporarily patch with asphalt until curbing is replaced. He wants to see original audit of curbs. He noticed lots of paint on curbs and wants to compare audit to what is current. He would like to asphalt the space where curbing is failing. They passed the tax and it's a process, but there are a lot of failing curbs. The longer it goes it affects the homeowner. Councilmember Melton said the asphalt wouldn't stick. Gregorcyk said they have patched with asphalt. Councilmember Roberts said there is asphalt patching up and down her block. Gregorcyk wants to revisit audit so it's not complaint driven and staff are bouncing around. Mayor Shute asked where they are with a second audit with regard to street condition. Director Kramer said staff is just starting the process. They plan to look at curbs and sidewalks. Curbs were not part of the original assessment, but each year they take a little of the budget and replace the worst section of curbing. In 2019, they were not able to repair as much. Moving forward, they will come up with a new program for streets to begin in 2025, will include curbs, and may potentially include a cost-sharing program with sidewalks. Going back to work session, the street maintenance program is smaller going forward. Staff are doing a self-assessment.

Councilmember Melton thanked the finance team for the presentation. Regarding the old police station, where are they with the environmental assessment? Director Kramer said they were about to start abatement, which is \$10,000-\$15,000, to be done before demo. Covid-19 slowed that down. It was not originally budgeted. He is waiting to see where revenue comes in. Melton asked if they do remediation, can they sell building as-is? He gets a lot of questions about that. Kramer noted that is a governing body decision. They discussed previously and considered the downtown corridor plan. The condition of the building is poor. There was concern with the overall development fitting with downtown plan. City Administrator Pruetting said a build-ready lot is better than selling as-is. Councilmember Baldwin said build-ready is worth more, but there's no harm in selling with remediation. Mayor Shute noted it's a prime commercial lot. Director Powell said they went to public vote for the justice center, and that included removing the old building. In the downtown plan, the effort was put forth to gather up property around it for more than 1.2 acre. The market is very good now. They can discount the building as part of that process, and take time to improve the community. Gregorcyk asked what is status of high bay. They talked about moving and repurposing it. Director Kramer said in talking with structural engineers, their opinion is to demo the building and scrap rather than move. In moving it, structural aspects will need to be reengineered and new skin put on the building. It's not worth trying to move building.

Councilmember Winters likes the zoom set up. For frequent guests, like Bruce Kimmel, using zoom would be good. Winters asked Director Kramer about Public Works patching the lot at Celebration Park. Kramer said they have done quite a few patches over the last month. They have more to go, but about 80% done. It's patching, not a permanent fix, but this will help.

Councilmember Baldwin thanked Director Wolff for the presentation.

Mayor Shute noted there's been discussion and angst about the pool. It's a tough decision for everyone. The silver lining is that now staff can find the leak in the lazy river. Director Bruce said they have been doing pressure tests. There have been several leaks over the years, as with most pools. Staff will be doing more testing over the whole pool. Shute asked if they have to fill the pool completely to find the leak, or only 30%. Bruce said they have to fill it full. Staff will also need to run pumps because it's not good for them to sit for an entire season. Director Powell noted his department got a lot of calls about pools in yards. They've also had questions regarding HOA pools. The city has no jurisdiction or guidelines over HOA pools opening. The city can issue permits for private pools.

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Mayor Shute noted that staff is doing a great job, working from home, practicing social distancing. He thanked staff for their diligence.

EXECUTIVE SESSION

1. Consider entering into executive session to discuss matters of attorney-client privilege.

Recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege beginning at 8:23 pm; returning to regular session at 8:43 pm.

Councilmember Baldwin made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege beginning at 8:43 p.m.; and returning to regular session at 0:00 p.m.

Councilmember Gregorcyk seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Melton made a motion to resume regular session at 8:43 p.m.;

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege beginning at 8:44 pm; returning to regular session at 8:59 pm.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege beginning at 8:44 p.m.; and returning to regular session at 8:59 p.m.

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Melton made a motion to resume regular session at 9:00 p.m.;

Councilmember Baldwin seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Gregorcyk and seconded by Councilmember Baldwin the meeting adjourned at 9:00p.m.

City Clerk